



## U. S. Patent and Trademark Office

Technology Center 1700

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Date:

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To:

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Organization:

C. James Bushman

Phone #:

Fax #:

713-266-5169

From:

Edward M. Johnson

Phone #:

(703) 305-0216

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(703) 872-9585

Comments:

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For PTO Staff

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Application/Control Number: 09/701,054

Art Unit: 1754

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## DETAILED ACTION

## Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-62 and 74, drawn to a catalyst and process of making thereof.

Group II, claim(s) 63-73, drawn to a process for hydrating an olefin.

The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Claims 1 and 48 are anticipated by or obvious over any of Kaeding US 4,581,215 (montmorillonite catalyst carrier having no aluminum) and/or Schlueter et al. US 5,208,195 (dealuminized montmorillonite catalyst carrier wherein aluminum is removed and the carrier is impregnated with phosphoric acid). Consequently, the special technical feature which links Groups I and II does not provide a contribution over the prior art, so unity of invention is lacking.

2. A telephone call was made to C. James Bushman on 2/3/03 to request an oral election to the above restriction requirement, but did not result in an election being made.

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36-47,74

36-

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward M. Johnson whose telephone number is 703-305-0216. The examiner can normally be reached on M-F 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley S. Silverman can be reached on 703-308-3837. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

EMJ

March 5, 2003



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
ACTING AS RECEIVING OFFICE FOR THE PCT

In re Application of:

Michael Sakuth, Gregor Lohrengel,  
Dietrich Maschmeyer, and Guido Stochniol

Int'l. Appln. No.: PCT/DE99/01898

Int'l. Filing Date: 1 July 1999

Priority Date: 3 July 1998

U.S. Serial No.: 09/701,054

U.S. Filing Date: November 22, 2000

For: *Dealuminized Catalyst Support,  
Method for Producing Said Catalyst  
Support and Method for Hydrating  
C<sub>2</sub>- or C<sub>3</sub>- Olefins with Water  
in the Presence of a Catalyst  
Consisting of This Catalyst Support  
Impregnated with Acid (as amended)*

Attorney Docket No.: Muller-22

Art Unit No.: 1754

Examiner: Edward M. Johnson

RESPONSE

U.S. Commissioner for Patents and Trademarks  
Washington, D.C. 20231

Sir:

Responsive to the outstanding Office Action, Applicant hereby elects, with traverse, Claim 36-62 and 74, drawn to a catalyst and process for making thereof.

While the Office Action indicates that Claims 1-62 are drawn to a catalyst and process of making thereof, as was discussed with the Examiner, Claims 1-35 were cancelled in a preliminary

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amendment leaving only Claims 36-74. Accordingly, it is respectfully submitted that the above election conforms to the claims presently in the case.

Respectfully submitted,

C. James Bushman  
Reg. No. 24,810

Date: March 12, 2003

BROWNING BUSHMAN P.C.  
5718 Westheimer, Suite 1800  
Houston, TX 77057-5771  
Tel.: (713) 266-5593  
Fax: (713) 266-5169

CERTIFICATE OF MAILING	
I, Sheri Cooper, hereby certify that this correspondence and all referenced enclosures are being deposited by me with the United States Postal Service as First Class Mail in an envelope addressed to: U.S. Commissioner for Patents and Trademarks, U.S. Patent and Trademark Office, Washington, D.C. 20231, on March 12, 2003.	
By:	

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PATENT & TRADEMARK OFFICE

**COMBINED AMENDMENT & PETITION FOR EXTENSION OF  
TIME UNDER 37 CFR 1.136(a) (Large Entity)**

Docket No.  
Muller-22

In Re Application Of: Michael Sakuth, Gregor Lohrengel, Dietrich Maschmeyer, and Guido Stochniol

#8140  
3/26/03

Serial No.  
09/701,054

Filing Date  
22 November 2000

Examiner  
Edward M. Johnson

Group Art Unit  
1754

Invention: Dealuminized Catalyst Support, Method for Producing Said Catalyst Support and Method for Hydrating C2- or C3- Olefins with Water in the Presence of a Catalyst Consisting of This Catalyst Support Impregnated with Acid (as amended)

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

This is a combined amendment and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of (faxed) 03/05/03 in the above-identified application.  
*Date*

The requested extension is as follows (check time period desired):

☒ One month    ☐ Two months    ☐ Three months    ☐ Four months    ☐ Five months

from: March 5, 2003  
*Date*

until: April 5, 2003  
*Date*

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The fee for the amendment and extension of time has been calculated as shown below:

**CLAIMS AS AMENDED**

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	-	20 =	0	x \$18.00	\$0.00
INDEP. CLAIMS	-	3 =	0	x \$84.00	\$0.00
FEE FOR AMENDMENT					\$0.00
FEE FOR EXTENSION OF TIME					\$110.00
TOTAL FEE FOR AMENDMENT AND EXTENSION OF TIME					\$110.00

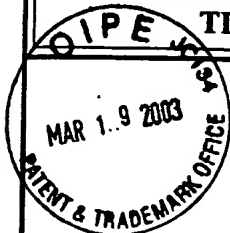
03/27/2003 WBSFAW1 00000052 09701054

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110.00 OP

**COMBINED AMENDMENT & PETITION FOR EXTENSION OF  
TIME UNDER 37 CFR 1.136(a) (Large Entity)**

Docket No.  
Muller-22



The fee for the amendment and extension of time is to be paid as follows:

- ☐ A check in the amount of **\$110.00** for the amendment and extension of time is enclosed.
- ☐ Please charge Deposit Account No. \_\_\_\_\_ in the amount of **\$110.00**.  
A duplicate copy of this sheet is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. **02-4345**.  
A duplicate copy of this sheet is enclosed.
- ☐ Any additional filing fees required under 37 C.F.R. 1.16.
- ☐ Any patent application processing fees under 37 CFR 1.17.
- ☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. **02-4345**. A duplicate copy of this sheet is enclosed.

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Signature

Dated: March 12, 2003

C. James Bushman, Reg. 24,810  
Browning Bushman P.C.  
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Houston, Texas 77057-5771  
Tel.: 713-266-5593  
Fax: 713-266-5169

I certify that this document and fee is being deposited  
on March 12, 2003 with the U.S. Postal Service as  
first class mail under 37 C.F.R. 1.8 and is addressed to the  
Assistant Commissioner for Patents, Washington, D.C.  
20231.

Signature of Person Mailing Correspondence

**Sheri Cooper**

Typed or Printed Name of Person Mailing Correspondence

cc: